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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,558	03/31/2000	Alan H. Karp	10992073	9395

22879 7590 05/31/2005

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FORT COLLINS, CO 80527-2400

EXAMINER
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OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/539,558

**Applicant(s)**

KARP ET AL.

**Examiner**

Jonathan Ouellette

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21,23-38,40-51 and 53-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21,23-38,40-51 and 53-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. Claims 1-20, 22, 39, and 52 have been cancelled; therefore, Claims 21, 23-38, 40-51, and 53-55 are pending in application 09/539,558.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. **Claims 21, 23-38, 40-51, and 53-55 are rejected under 35 U.S.C. 103(a) as being obvious over Lumeria (www.lumeria.com, Obtained from the Internet archive Wayback Machine, <www.archive.org>, Date Range: 8/23/1999-3/4/2000) in view of Burson (US 6,405,245 B1).**
4. As per **independent Claim 21**, Lumeria discloses a method for selling personal information of an owner(s) to a requestor via the Internet comprising: obtaining the personal information of the owner by an information source; providing the personal information to a requestor by the trusted party based on a sale policy that is controlled by the owner; providing payment to the trusted party from the requestor; providing compensation to the owner from the trusted party (www.lumeria.com; pgs. 4, 5, 14, 18-19, and 22-25).

5. Lumeria fails to expressly disclose wherein the information source may be any user of the Internet; providing the personal information to a trusted party by the information source after authorization by the owner, wherein the trusted party is different from the owner, and wherein the trusted party and information source are the same entity.
6. Burson discloses a system wherein a user can authorize a third party to collect personal (profile/demographic) information from user specified/authorized sites (Fig.5, non-originating PI; C4 L29-65; C5 L3-21; C7 L2-17; C16 L7-14) and aggregate all the personal information with the trusted party's personal information about the user (Fig.5, Originating PI – NationsBank).
7. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the information source may be any user of the Internet; providing the personal information to a trusted party by the information source after authorization by the owner, wherein the trusted party is different from the owner and wherein the trusted party and information source are the same entity, as disclosed by Burson in the system disclosed by Lumeria, for the advantage of providing a method (system) for selling personal information of an owner(s) to a requestor via the Internet, with the ability to increase the efficiency of the system by allowing the user profile information to be compiled from multiple sources.
8. As per **independent Claim 34**, Lumeria discloses a system for selling personal information of a plurality of owners to a requestor via the Internet comprising: a receive module that receives a plurality of personal information of the plurality of the owners from at least one information source; a sale policy module that comprises a plurality of

policies, each of which is associated with a particular owner, wherein each policy is controllable by the owner, and specifies a policy for the sale of the personal information of the owner; a request module that receives a request from a requestor to purchase the personal information from the at least one owner; a provide module that provides personal information of at least one owner in response to the request to the requestor based on the policy of the one owner; a payment module that receives payment from the requestor and compensates that at least one owner; and a module that credits (monetary payment, pg.22) at least a portion of the payment to the at least one owner; whereby the system is operated by a trusted party that is different from the at least one owner (www.lumeria.com; pgs. 4, 5, 14, 18-19, and 22-25)

9. Lumeria fails to expressly disclose wherein the information source may be any user of the Internet.
10. Burson discloses a system wherein a user can authorize a third party to collect personal (profile/demographic) information from plurality user specified/authorized Internet/web sites (Fig.5, non-originating PI; C4 L29-65; C5 L3-21; C7 L2-17; C16 L7-14).
11. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the information source may be any user of the Internet, as disclosed by Burson in the system disclosed by Lumeria, for the advantage of providing a method (system) for selling personal information of an owner(s) to a requestor via the Internet, with the ability to increase the efficiency of the system by allowing the user profile information to be compiled from multiple sources.
12. As per Claim 23, Lumeria and Burson disclose specifying the sale policy by the owner.

13. As per Claims 24 and 35, Lumeria and Burson disclose specifying attributes required of a requestor in order to receive the personal information.
14. As per Claims 25 and 36, Lumeria and Burson disclose specifying exclusions related to the sale of the personal information.
15. As per Claims 26 and 37, Lumeria and Burson disclose specifying cost of the personal information by the owner, and wherein the providing the personal information to a requestor comprises selectively providing the validated personal information based upon the cost.
16. As per Claims 27 and 38, Lumeria and Burson disclose assessing the cost to a requestor submitting the request.
17. As per Claim 28, Lumeria and Burson disclose crediting a least a portion of the cost to the owner.
18. As per Claim 29, Lumeria and Burson disclose crediting an account associated with the owner.
19. As per Claims 30 and 40, Lumeria and Burson disclose obtaining information related to credit card purchases, shopping habits, web browsing habits, assets, or finances of the owner.
20. As per Claims 31 and 41, Lumeria and Burson disclose recording an indication of electronic purchases by the owner.
21. As per Claim 32, Lumeria and Burson fail to expressly disclose enabling the requestor to decline receipt of the personal information based upon a cost of the personal information; and wherein providing the personal information to the requestor comprises providing the

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personal information to the requestor if the requestor has not declined receipt of the personal information.

22. However, Lumeria does teach that the user (information owner) has the right to collectively bargain collective and individual personal information processing privileges in exchange for value (www.lumeria.com; pgs. 4, 5, 14, 18-19, and 22-25).
23. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included enabling the requestor to decline receipt of the personal information based upon a cost of the personal information in the system disclosed by Lumeria, for the advantage of providing a method for selling personal information, which gives the buyer bargaining power to decide whether to purchase the personal information or not based on the seller's price.
24. As per Claim 33, Lumeria and Burson disclose receiving a request to search for a particular owner having personal information for sale by the trusted party.
25. As per **independent Claim 42**, Lumeria discloses a method for selling personal information of an owner to a requestor via the Internet comprising: designating, by the owner an authorized information source to a trusted party, wherein the trusted party can be an entity other than the owner; providing the personal information to the trusted; providing the personal information to the requestor by the trusted party based on a sale policy that is controllable by the owner; providing payment to the trusted party from the requestor; and providing compensation to the owner from the trusted party (www.lumeria.com; pgs. 4, 5, 14, 18-19, and 22-25).

26. Lumeria fails to expressly disclose designating, by the owner, a specific identity of an authorized information source to a trusted party, wherein the trusted party can be an entity other than the owner with the capability to validate the personal information; contacting, by the trusted party, the authorized information source to obtain personal information of the owner; providing the personal information to the trusted party by the authorized information source, wherein the trusted party is different from the owner.
27. Burson discloses a system wherein a user can authorize a third party to collect personal (profile/demographic) information from user specified/authorized sites (Fig.5, C4 L29-65, C5 L3-21, C7 L2-17, C16 L7-14).
28. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included providing (designating), by the owner, a specific identity of an authorized information source to a trusted party; wherein the trusted party can be an entity other than the owner with the capability to validate the personal information; contacting, by the trusted party, the authorized information source to obtain personal information of the owner; providing the personal information to the trusted party by the authorized information source, wherein the trusted party is different from the owner, as disclosed by Burson in the system disclosed by Lumeria, for the advantage of providing a method (system) for selling personal information of an owner(s) to a requestor via the Internet, with the ability to increase the efficiency of the system by allowing the user profile information to be compiled from multiple sources.
29. As per Claim 43, Lumeria and Burson disclose specifying the sale policy by the owner.



30. As per Claim 44, Lumeria and Burson disclose specifying attributes required of a requestor in order to receive the personal information.
31. As per Claim 45, Lumeria and Burson disclose specifying exclusions related to the sale of the personal information.
32. As per Claim 46, Lumeria and Burson disclose specifying cost of the personal information by the owner, and wherein the providing the personal information to a requestor comprises selectively providing the validated personal information based upon the cost.
33. As per Claim 47, Lumeria and Burson disclose assessing the cost to a requestor submitting the request.
34. As per Claim 48, Lumeria and Burson disclose obtaining information related to credit card purchases, shopping habits, web browsing habits, assets, or finances of the owner.
35. As per Claims 32 and 49, Lumeria and Burson fail to expressly disclose enabling the requestor to decline receipt of the personal information based upon a cost of the personal information; and wherein providing the personal information to the requestor comprises providing the personal information to the requestor if the requestor has not declined receipt of the personal information.
36. However, Lumeria does teach that the user (information owner) has the right to collectively bargain collective and individual personal information processing privileges in exchange for value (www.lumeria.com; pgs. 4, 5, 14, 18-19, and 22-25).
37. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included enabling the requestor to decline receipt of the

personal information based upon a cost of the personal information in the system disclosed by Lumeria, for the advantage of providing a method for selling personal information, which gives the buyer bargaining power to decide whether to purchase the personal information or not based on the seller's price.

38. As per Claims 50, Lumeria and *Burson* disclose tracking, by the information source behavior of an owner, thereby gathering personal information about the owner.

39. As per Claim 51, Lumeria and Burson disclose wherein designating, by the owner, an authorized information source comprises providing an identification of the information source.

40. As per **independent Claim 53**, Lumeria discloses a method comprising: providing the personal information to the requestor by the trusted party based on a sale policy that is controllable by the owner; enabling the requestor to decline receipt of the personal information based upon a cost of the personal information; and wherein providing the personal information to the requestor comprises providing the personal information to the requestor if the requestor has not declined receipt of the personal information (Pgs. 22-23, Obvious segment of I-Commerce – wherein personal information owners negotiate/control exchange with marketers for value, in exchange for personal profile information); providing payment to the trusted party from the requestor; and providing compensation to the owner from the trusted party (www.lumeria.com; pgs. 4, 5, 14, 18-19, and 22-25).

41. Lumeria fails to expressly disclose providing, by the owner, a specific identity of an authorized information source to a trusted party; contacting, by the trusted party, the

authorized information source to obtain personal information of the owner; providing the personal information to the trusted party by the authorized information source, wherein the trusted party is different from the owner.

42. Burson discloses a system wherein a user can authorize a third party to collect personal (profile/demographic) information from user specified/authorized sites (Fig.5, C4 L29-65, C5 L3-21, C7 L2-17, C16 L7-14).
43. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included providing (designating), by the owner, a specific identity of an authorized information source to a trusted party; wherein the trusted party can be an entity other than the owner with the capability to validate the personal information; contacting, by the trusted party, the authorized information source to obtain personal information of the owner; providing the personal information to the trusted party by the authorized information source, wherein the trusted party is different from the owner, as disclosed by Burson in the system disclosed by Lumeria, for the advantage of providing a method (system) for selling personal information of an owner(s) to a requestor via the Internet, with the ability to increase the efficiency of the system by allowing the user profile information to be compiled from multiple sources.
44. As per **independent Claims 54 and 55**, Lumeria discloses a method comprising:  
providing personal information to the trusted party by an authorized information source;  
providing the personal information to the requestor by the trusted party based on a sale policy that is controllable by the owner; providing payment to the trusted party from the

requestor; and providing compensation to the owner from the trusted party

(www.lumeria.com; pgs. 4, 5, 14, 18-19, and 22-25).

45. Lumeria fails to expressly disclose designating, by the owner, an authorized information source to a trusted party, wherein the trusted party and the information source are different entities that do not belong to a common internet community; contacting, by the trusted party, the authorized information source to obtain personal information of the owner, wherein the trusted party can be an entity other than the owner with capability to validate the personal information; receiving a request to search for a particular owner having personal information for sale by the trusted party, wherein the owner is the particular owner; providing the personal information to the trusted party by the authorized information source, wherein the trusted party is different from the owner.
46. Burson discloses a system wherein a user can authorize a third party to collect personal (profile/demographic) information from user specified/authorized sites (Fig.5, C4 L29-65, C5 L3-21, C7 L2-17, C16 L7-14); wherein the third party requests Personal information from a plurality of information sources (Fig.5).
47. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included designating, by the owner, an authorized information source to a trusted party, wherein the trusted party and the information source are different entities that do not belong to a common internet community; contacting, by the trusted party, the authorized information source to obtain personal information of the owner, wherein the trusted party can be an entity other than the owner with capability to validate the personal information; receiving a request to search for a

particular owner having personal information for sale by the trusted party, wherein the owner is the particular owner; providing the personal information to the trusted party by the authorized information source, wherein the trusted party is different from the owner, as disclosed by Burson in the system disclosed by Lumeria, for the advantage of providing a method (system) for selling personal information of an owner(s) to a requestor via the Internet, with the ability to increase the efficiency of the system by allowing the user profile information to be compiled from multiple sources.

***Response to Arguments***

48. Applicant's arguments with respect to Claims 21-55 have been considered have been fully considered, but are not persuasive, the rejection will remain as **FINAL** based on the cited prior art of Lumeria in view of Burson.
49. The Applicant has made the argument that the cited prior art of Lumeria in view of Burson fails to teach or disclose wherein the trusted party and the information source are the same entity.
50. However, Burson discloses wherein the information source and the trusted party are the same entity (Fig.5, Originating PI - NationsBank)
51. The Applicant has made the argument that the cited prior art of Lumeria in view of Burson fails to teach or disclose a module that credits at least a portion of the payment to the at least on owner.
52. However, as stated by the applicant, Lumeria discloses allowing compensation to a consumer for allowing access to their profile, to include personalized services, discounts,

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or monetary compensation (credit is a form of monetary compensation – see definition provided in PTO-890 for credit, retrieved from dictionary.com – “credited \$500 to her account”)

53. The Applicant has made the argument that the cited prior art of Lumeria in view of Burson fails to teach or disclose wherein the trusted party can be an entity other than the owner with the capability to validate the personal information.
54. However, Burson discloses wherein trusted party can be an entity other than the owner with the capability to validate the personal information (Fig.5 – Nations Bank using PI Engine)
55. The Applicant has made the argument that the cited prior art of Lumeria in view of Burson fails to teach or disclose wherein providing the personal information to the requestor comprises providing the personal information to the requestor if the requestor has not declined receipt of the personal information.
56. However, Lumeria does disclose the profile owner’s ability to control the exchange of personal information for value with marketers/merchants (pgs.22-23), and the exchange process would obviously include a common agreement for exchange between the owner and the marketer/merchant.
57. The Applicant has made the argument that the cited prior art of Lumeria in view of Burson fails to teach or disclose receiving a request to search for a particular owner having personal information for sale by the trusted party.

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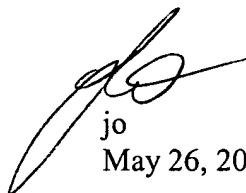
58. However, Burson discloses sending a personal information search request for users of the PI system to company information sites (Fig.5, C4 36-56 – aggregating data requiring identity and verification – inherent process of querying (search request) a database).

*Conclusion*

59. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

60. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (703) 872-9306 for all official communications.

61. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

  
jo  
May 26, 2005

 5/26/05  
DEANT. NGUYEN  
PRIMARY EXAMINER